

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY APRIL 26, 2001

AMENDED IN ASSEMBLY APRIL 16, 2001

AMENDED IN ASSEMBLY APRIL 3, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1574

Introduced by Assembly Member Lowenthal

February 23, 2001

An act to amend Section 7195 of the Business and Professions Code, and to add Sections 25401.5 and 25401.7 to the Public Resources Code, relating to energy resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 1574, as amended, Lowenthal. Energy conservation: building standards: *inspections*.

Existing

(1) Existing law defines terms related to paid home inspections, establishes a standard of care for home inspectors, and prohibits certain inspections in which the inspector or the inspector's employer, as specified, has a financial interest.

This bill would include within the definition of home inspection for those purposes an inspection of energy efficiency.

(2) Existing law requires the State Energy Resources Conservation and Development Commission to adopt regulations concerning energy conservation standards for lighting, insulation, climate control systems,

and other building design and construction standards for new residential and new nonresidential buildings.

This bill would ~~require~~ *authorize* the commission to adopt ~~emergency~~ regulations prescribing higher envelope and duct R-value standards for nonresidential buildings, for which a building permit is issued after the effective date of this bill, and minimum standards for energy efficiency in single-family residential dwellings, which are occupied on the effective date of this bill.

The bill would provide that, if, at the time a single-family residential dwelling is sold, a buyer or seller requests an inspection, that inspection shall include an inspection of the energy efficiency of the dwelling.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that energy
2 costs represent a significant proportion of consumers'
3 discretionary expenses and that energy efficiency measures are
4 available for residential dwellings in existence on the effective
5 date of the act adding this section.

6 SEC. 2. *Section 7195 of the Business and Professions Code is*
7 *amended to read:*

8 7195. For purposes of this chapter, the following definitions
9 apply:

10 (a) "Home inspection" is a noninvasive, physical
11 examination, performed for a fee in connection with a transfer, as
12 defined in subdivision (e), of real property, of the mechanical,
13 electrical, or plumbing systems or the structural and essential
14 components of a residential dwelling of one to four units designed
15 to identify material defects in those systems, structures and
16 components. "Home inspection" ~~also~~ includes any consultation
17 regarding the property that is represented to be a home inspection
18 or any confusingly similar term. *"Home inspection" also includes*
19 *an inspection of energy efficiency pursuant to Section 25401.7 of*
20 *the Public Resources Code.*

21 (b) A "material defect" is a condition that significantly affects
22 the value, desirability, habitability, or safety of the dwelling. Style
23 or aesthetics shall not be considered in determining whether a
24 system, structure, or component is defective.



(c) A “home inspection report” is a written report prepared for a fee and issued after a home inspection. The report clearly describes and identifies the inspected systems, structures, or components of the dwelling, any material defects identified, and any recommendations regarding the conditions observed or recommendations for evaluation by appropriate persons.

(d) A “home inspector” is any individual who performs a home inspection.

(e) “Transfer” is a transfer by sale, exchange, installment land sale contract, as defined in Section 2985 of the Civil Code, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of real property or residential stock cooperative, improved with or consisting of not less than one nor more than four dwelling units.

SEC. 3. Section 25401.5 is added to the Public Resources Code, to read:

25401.5. (a) For the purpose of reducing electrical and natural gas energy consumption, the commission ~~shall~~ *may* do all of the following:

(1) Adopt regulations, ~~as provided in subdivision (e), which~~ *that* require the inclusion of higher envelope and duct R-values compatible with ASHRAE Standard 90.1 for new nonresidential buildings, for which building permits are issued after the effective date of the act adding this section.

(2) Adopt regulations, ~~as provided in subdivision (e), that~~ prescribe minimum efficiency standards for single family residential dwellings that are occupied on the effective date of the act adding this section.

(b) Subdivision (c) of Section 11346.1 of the Government Code does not apply to the regulations adopted pursuant to this section. Instead, the commission shall only consult with the California Building Standards Commission prior to adopting the regulations.

~~(c) The regulations adopted by the commission for the purposes of this section shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For purposes of that chapter of the Government Code, including Section 11349.6 of the Government Code, the adoption of the regulations shall be considered by the Office of Administrative~~

1 ~~Law to be necessary for the immediate preservation of the public~~
2 ~~peace, health and safety, and general welfare.~~

3 ~~SEC. 3.~~

4 *SEC. 4.* Section 25401.7 is added to the Public Resources
5 Code, to read:

6 25401.7. (a) If, at the time a single-family residential
7 dwelling is sold, a buyer or seller requests an inspection, that
8 inspection shall include an inspection of the energy efficiency of
9 the dwelling. The inspector shall provide the results of the
10 inspection to the buyer and seller. ~~The person who requests the~~
11 ~~inspection shall be responsible for paying the costs of inspection.~~

12 (b) For purposes of this section, “inspection” means a “home
13 inspection” as defined in Section 7195 of the Business and
14 Professions Code.

